

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:19-CV-00624-DSC**

DAVID L. DUVALL,)
)
Plaintiff,) **ORDER**
v.)
)
NOVANT HEALTH INC.,)
)
Defendant.)

THIS MATTER is before the Court on “Defendant’s Consolidated Motions in Limine” (document # 70) and “Plaintiff’s Motions in Limine” (document #76). For the reasons set forth therein, Defendant’s Motions are granted in part and denied in part and Plaintiff’s Motions are granted.

Upon consideration of Defendant’s Consolidated Motions in Limine, the Court ORDERS:

1. Evidence of other employees. Plaintiff proffers evidence relating to the termination of six other employees. The decision maker in Plaintiff’s termination was not the decision maker for any of those employees. Four different decision makers were involved in terminating those employees. Applying Rule 403, the probative value of this evidence is substantially outweighed by a danger of unfair prejudice and confusing the issues. The Motion is granted.
2. Diversity, Inclusion, and Health Equity Efforts Plan. The Motion is denied for the reasons stated in Plaintiff’s Memorandum in Opposition (document #82).

3. Punitive damages. For the reasons stated in Plaintiff's Memorandum, the Motion is denied without prejudice to being renewed at trial.
4. Back pay damages. The Motion is denied for the reasons stated in Plaintiff's Memorandum.
5. Plaintiff's chart of alleged lost wages. The Motion is denied for the reasons stated in Plaintiff's Memorandum.

Upon consideration of Plaintiff's Motions in Limine, the Court ORDERS:

1. Exhibits 21, 22, and 27 are inadmissible under Rule 408. Applying Rule 403, the Court also finds that as to exhibit 27, any probative value is substantially outweighed by a danger of unfair prejudice and confusing the issues. The Motion is granted.
2. Exhibit 30. Applying Rule 403, any probative value is substantially outweighed by a danger of unfair prejudice and confusing the issues. The Motion is granted.
3. EEOC Right to Sue letter. Applying Rule 403, the probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, and misleading the jury. The Motion is granted.
4. Settlement of business dispute. Applying Rule 403, any probative value is substantially outweighed by a danger of unfair prejudice and confusing the issues. The Motion is granted.

The Clerk is directed to send copies of this Order to counsel for the parties.

SO ORDERED.

Signed: June 22, 2021

D S Cayer

David S. Cayer
United States Magistrate Judge

